

1 JUL 1982

MEMORANDUM FOR: Deputy Director for Administration

FROM: Daniel C. King
Director of Logistics

SUBJECT: Allocation of Non-Office Space

1. The Building Planning Staff has identified three categories of non-office space. The categories are: (1) space used in direct support of the Agency mission, e.g., classrooms, conference rooms, computer rooms; (2) space essential to facilities operations, e.g., telephone rooms, guard posts, cafeteria; and (3) non-official space, i.e., child day care center, EAA store, barbershop, gymnasium, Credit Union, and snackbars.

2. Space in either category (1) or (2) has been programmed into planning for the new building. Space in category (3) has not been programmed because no clear authority exists for application of appropriated funds to construction of space for these purposes. Each is affected by Federal regulations, policy, and economics. Some are affected by local codes. Each will require a decision by senior management based on the merits of the convenience or service provided, the cost to the Agency in terms of both space and dollars, security, and its impact on the Agency mission.

3. If there is strong justification for one or more of these activities, there is the additional option of incorporating appropriate wording in the appropriation request to provide for additional construction.

4. Facilities listed in category (3) already exist or have been proposed for inclusion in a new building on the Headquarters compound. Each is listed separately in the attachment with a brief discussion of issues, applicable Federal and local regulations, and recommendations for further action. As a minimum, guidance is needed on the priority order in which these needs are to be satisfied and the approximate space allocation deemed appropriate. Given this policy guidance, we can then undertake study and implementation of the recommendations in an orderly fashion.

/s/ Daniel C. King

Daniel C. King

Attachment:
As Stated

CL 2 2577

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SUBJECT: Allocation of Non-Office Space

CONCUR:

STAT

1 JUL 1982

Date

Associate General Counsel, L&PLD/OGC

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In Draft

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Date

Chief, Real Estate & Construction Division, OL

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Date

Chief, Logistics Services Division, OL

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(25 June 1982)

STAT

cc: on 19 Aug 82, w/att

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I. SHOPPING CENTER

- A. No shopping mall currently exists on the Headquarters compound.
- B. GSA guidelines urge that the inclusion of commercial facilities be given consideration in the planning of new Federal buildings. (authority: 40 U.S.C. 601a - Public Building Cooperative Use Act of 1976)

Discussion

We have complied with GSA guidelines and examined the possibility of including space for commercial establishments on the ground level. Given the distance to the nearest shopping center, a proper selection of shops could be a convenience to employees. Nothing else argues in favor of including shopping facilities in building plans.

New regulations require that Federal space leased to commercial establishments be charged for at the going local rate--\$16.25 per square foot per year in Langley today. The concept of leasing ground level space presumes that the building is located in a downtown/business district with public access from the street. Our location precludes any public access, sharply limiting the potential market. Evening hours would clearly be unprofitable.

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Space allocated to shopping facilities would impact design of the new building and reduce space available for official Agency needs. Traffic problems would be compounded by delivery vehicles.

The worst problem could be security. It is assumed none of the personnel operating or serving the commercial establishment would be granted security clearances. Control of their movements and keeping track of turnover in personnel would impose an additional workload on the Office of Security (OS).

Recommendation

A shopping center should not be included in plans for the new building because:

- o The environment is not economically viable; hence few, if any, merchants would take the risk.
- o Space requirements for a shopping center would necessitate enlarging the facility now planned.
- o Security problems would increase workload on OS and increase risks.
- o Added traffic could be a problem both on the compound and in the neighborhood.

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II. EMPLOYEE ACTIVITY ASSOCIATION

- A. Occupies slightly in excess of 2,000 square feet, including offices adjacent to the North Cafeteria and the EAA store in the basement of Headquarters Building.
- B. Space is provided rent free.
- C. An additional 500 square feet is requested for the store, increasing it from 1,496 square feet to 2,000 square feet.

Discussion

The EAA offices serve as the focal point for the organization and support of members' extracurricular athletic and recreational activities. EAA also operates a convenience store on the ground floor of Headquarters Building. Granting the request for an additional 500 square feet will presumably permit an increase in the variety of merchandise stocked.

The future of the EAA store should be considered in the context of current Federal law. The Cooperative Use Act of 1976 appears to require Federal building managers to charge rent for space used for "commercial" purposes.

Recommendation

Review the current host-tenant agreement between the Agency and the EAA to ensure compliance with current laws and

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regulations. Assuming an acceptable host-tenant agreement, assign a relative priority to the 500 square foot increase requested.

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III. BARBERSHOP

- A. Currently occupies an area of 440 square feet in the basement of the Headquarters Building.
- B. Operates as a concession.
- C. Requires General Services Administration (GSA) approval of location and facilities installed in Federal buildings.

Discussion

The barbershop operates as a convenience facility authorized by senior Agency management when the Headquarters Building was occupied. Continued operation in its present format should serve Agency needs adequately, even after consolidation.

If a new barbershop is established in the new building, in new quarters in Headquarters or new commercial establishments authorized, the situation must be reconsidered. Recent legislation requires that a rental fee commensurate with local commercial rates be charged. In fairness, such rental fees should be charged to all commercial establishments, including the barbershop.

Recommendation

Review the current host-tenant agreement to ensure compliance with current laws and regulations.

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IV. CHILD DAY CARE CENTER

- A. No on-site day care facilities for children of Agency employees currently exist.
- B. Interest in a day care center has been expressed several times since January 1972.
- C. In 1978, a survey was conducted by the DDA and analyzed by Office of Medical Services to identify employee support for a day care center.
- D. At least one informal and unofficial survey has been conducted by the Federal Women's Program Board.
- E. Other Federal Agency day care center programs have been reviewed.
- F. Legally, a child day care center would probably be affected by the Public Building Cooperative Use Act of 1976 and applicable Federal, State, and county building and health codes.

A day care center may be designed for preschoolers only or for children up to 12 years of age. In either case, there are regulations concerning space, both indoor and outdoor; bathroom facilities; kitchen facilities; student/instructor ratios; and building features such as number and location of doorways, outside fenced areas, lighting, heating and ventilation. These factors will increase the initial building cost or require

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modification of the basic building design to meet unique requirements. It will also require 8,000 to 12,000 square feet of adjacent land for a fenced playground.

Another consideration is the impact on the mission. One official circular encourages employees to visit their children in the day care center daily for lunch and on morning and afternoon coffee breaks. Such visits could lower employee productivity unless accompanied by more flexible work scheduling.

The Federal Property and Administrative Service Act of 1949 as amended by Public Law 94-541 Oct 18, 1976 requires rent to be charged at a rate commensurate with local commercial costs. Calculated on the minimum allowable floor space per child, rent would be \$50,000/year for 40 children and \$72,000/year for 60 children. A staff of six to ten people (one per six children) would be required. With salaries, rent, and other operating costs assumed, an \$80.00 weekly fee for each child would be required to cover costs.

Approximately seven day care centers are operating on Federal property today. All were established in periods when administration policy fostered day care programs and before current legislation was enacted. Current centers are legally subsidized to the extent of rent free space and free utilities. Without this subsidy, participants state they could not continue to operate. OMB has stated that funding requests for additional Federal day care centers will not be supported. Both Presidents

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Carter and Reagan have publicly stated their opposition to Federally funded day care centers.

Recommendation

Confirm that no legal basis for provision of subsidized space exists. If subsidization is possible, assign a relative priority to space needs of a day care center.

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V. SNACKBARS/BLIND STANDS

A. Approximately 8,000 square feet of area are currently devoted to snackbars and blind stands in Headquarters and the outbuildings.

B. Blind stands are authorized under Federal and State law. Space is provided by the Agency rent free.

Authority: 20 U.S.C. 107

Discussion

Both blind stands and snackbars provide a necessary service and convenience to Agency employees. The blind stands are authorized by law and provide a variety of goods not otherwise obtainable on the compound. Snackbars provide food service around the clock for late workers, shift workers, and general convenience.

A recent Agency offer to provide space for a blind stand operation was rejected by the Society for the Blind because of difficulty encountered in obtaining security clearances.

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Recommendation

That several blind stands and/or snackbars be included in a new building, with space to be reallocated from existing Headquarters allocations.

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VI. GYMNASIUM

- A. Three gymnasiums totaling 3,810 square feet currently exist in Headquarters, Space is provided by the Agency; equipment by EAA.
- B. Employees Activity Branch proposed including 4,000 square feet for a gymnasium and associated facilities in the new building.
- C. OMS estimates two positions and \$770,000 will be needed in FY-86 or FY-87 to equip and manage the gymnasium.
- D. Office of Personnel requested that a "Parcourse" jogging trail be constructed around the Headquarters facility.
- E. The authority to expend appropriated funds to construct physical fitness facilities is defined in Public Law, Federal Regulation, and Executive Order and amendments.

Discussion

Existing gymnasium and jogging facilities have proven to be popular and beneficial to many Agency employees, and the concept of including improved facilities in the new building has received vocal support. In view of the legal constraints on the expenditure of generally appropriated funds, the Office of General Counsel (OGC) was previously asked for an opinion. In October 1980, they rendered the opinion that the Agency did not have the authority to expend appropriated funds for physical

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fitness facilities. The two primary reasons were: (1) maintenance of employee general health and physical well-being is not an enumerated power or duty of the Agency and may not be implied from any of the Agency's existing powers and duties, and (2) OGC, OMS, and OPPPM were unable to find explicit job requirements demanding that high levels of physical conditioning be maintained to perform Agency functions. Therefore, a gymnasium is not now included in the planning for a new building.

Recommendation

Many employees believe the benefits derived from physical fitness facilities justify the effort necessary to provide them. We note that existing facilities in Headquarters are considered inadequate to support the activity after consolidation and that existing jogging paths are hazardous. Possible solutions include:

1. Rewriting appropriate job requirements to explicitly require high levels of physical conditioning, thus justifying the use of generally appropriated funds to construct additional space.
2. Provide excess space, as available, and use EAA-funded equipment, i.e., continue current policy.
3. Design roadway and walkway improvements in a manner that facilitates jogging safety.

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4. Assign a relative priority to physical fitness space needs.

Applicable Legislation per OGC

- o 50 U.S.C. 403j is the Agency authority to expend funds for purposes necessary to carry out its functions.
- o Act of September 6, 1966, Public Law No. 89-554 as amended (5 U.S.C. 7901, et seq.), a somewhat broad authority, but does not explicitly grant agencies the authority to establish programs to maintain health and well-being of their employees.
- o Significantly circumscribed by GSA regulations 41 CFR 101-5.300, et seq.
- o Executive Order 11807, often linked with P.L. 89-554, but deals with occupational health and safety and does not apply.
- o 1978. GSA with the President's Council on Physical Fitness and Sports issued guidelines for the establishment of facilities in Federal space. 43 Federal Regulation 56733-56734. This does not provide independent authority to establish facilities--only if an Agency already has the power or the duty.

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VII. CREDIT UNION

A. Currently occupies about [] square feet of space STAT

including [] 4,000 STAT

square feet in Headquarters; 1,000 square feet in Ames;

[] STAT

[] STAT

C. New and expanded services planned over the next decade result in projected space requirements of 50,000 square feet.

D. 12 U.S.C. 1770 authorizes Federal agencies to allot space, if available, to a qualifying credit union without charge for rent or services.

Discussion

Neither the convenience nor the services provided by the Credit Union are questioned. The question that is raised results from the projected requirement for 50,000 square feet of space needed within the next 10 years. We are authorized to allot space rent free, if available. The projected space requirement represents 5 percent of the total space the Agency gains by the projected new building. [] STAT

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Recommendation

The problem is simply one of space required vs. space available. Agency management and Credit Union managers should negotiate the amount of space to be allotted and the services to be provided. A relative priority should be assigned to the amount of space desired.

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